

Declassified and Approved For Release 2011/12/22 : CIA-RDP10-00750R000100960001-4

Letter to Martin Vaza
from Linda ITner
(Staff

Oct 7, 1981

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Martin Fuga
Room H 405 Capitol
INSIDE MAIL

U.S. House of Representatives

Committee on Post Office and Civil Service

Washington, D.C. 20515

October 7, 1981

Dear Marty:

Thanks for sending me over the information on the CIA Retirement System and the letter about the CIA spouses.

Enclosed is information on Pat's legislation, as well as the hearings held by the Senate Armed Services Committee on September 22. Pat's letter to Jepsen answers alot of the questions that are raised about her legislation.

Enclosed is P.L. 95-366, which could be applied to the CIA System, by Executive Order. In your Cttee print, I notice that Jimmy Carter issued Exec. Order 12023 on Dec. 1, 1977, which among other things says that there shall be no assignment of retirement benefits, nor shall they be subject to levy, attachment, garnishment, or the legal process, except under sec. (b) which that that an individual may make allotments or assignments of amount of such annuity for purposes the Director considers appropriate. This Exec. Order seems to conflict with P.L. 95-366.

The point is that the above only applies to the retirement annuity, and not the survivors benefits -- which old women need desperately, especially if they are not covered by Social Security, as is true for most of the civil service, and probably the CIA people.

We think this is an important issue. Feel free to call me if you have any additional questions.

Sincerely,

Linda

LINDA ITTNER

HOUSE OF REPRESENTATIVES COMMITTEE WITH JURISDICTION OVER THE CIA RETIREMENT SYSTEM

Permanent Select Committee on Intelligence

Created pursuant to H. Res. 658, 95th Congress

Room H-405, The Capitol Phone. 225-4121

Chairman.—Edward P. Boland, Representative from Massachusetts.

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voted right on For. Serv. Act

*cosponsor HR 1711
voted right on For. Serv. Act
" " " " " "*

cosponsor of HR 303A 1711

SENATE COMMITTEE WITH JURISDICTION OVER THE CIA RETIREMENT SYSTEM

Select Committee on Intelligence

Created pursuant to S. Res. 400, 94th Congress

Room G-308, Dirksen Senate Office Building Phone. 224-1700

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Vice Chairman.—Daniel P. Moynihan, Senator from New York. _____

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COMPILATION OF INTELLIGENCE LAWS AND
RELATED LAWS AND EXECUTIVE ORDERS OF
INTEREST TO THE NATIONAL INTELLIGENCE
COMMUNITY

As Amended through March 1, 1981

PREPARED FOR THE USE OF THE
PERMANENT SELECT COMMITTEE ON
INTELLIGENCE
OF THE
HOUSE OF REPRESENTATIVES



MARCH 1981

Printed for the use of the Permanent Select Committee on Intelligence
of the House of Representatives

1. None of the moneys mentioned in the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended (78 Stat. 1053, as amended; 40 U.S.C. 403 note), shall be assignable, either in law or equity, except under the terms of subsection (b) of this Section, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

2. An individual entitled to an annuity from the Fund may make allotments or assignments of amounts of such annuity for such purposes as the Director in his discretion considers appropriate.

3. No payment shall be made from the Fund unless an application for benefits is on the service of the participant is received by the Director before the hundred and fiftieth anniversary of the participant's birth.

4. Notwithstanding the provisions of subsection (3) of this Section, after the death of a participant or annuitant, no benefit based on the service of such person shall be paid from the Fund unless an application therefore is received by the Director within 30 years after the death or other event which gives rise to the benefit.

5. Amounts deducted from the salaries pursuant to Section 273 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1053; 40 U.S.C. 403 note) shall be deposited in the Treasury of the United States to the credit of the Fund.

6. The provisions of this Order are effective as follows:

a) The provisions of Sections 1(a) and 1(b) are effective as of December 23, 1964.

b) The provisions of Section 1(c) and 1(d) are effective as of December 31, 1964.

c) The provisions of Section 1(e) are effective as of October 1, 1976 and shall apply to annuitants serving in appointed positions on and after that date.

7. The Director of Central Intelligence is authorized to prescribe such regulations as are necessary to carry out the provisions of this Order.

JIMMY CARTER.

B. NATIONAL SECURITY AGENCY NATIONAL SECURITY AGENCY ACT OF 1959

PUBLIC LAW 86-36—MAY 20, 1959

(50 U.S.C. 402 note)

AN ACT to provide certain administrative authorities for the National Security Agency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Security Agency Act of 1959".

SEC. 2. The Secretary of Defense (or his designee for the purpose) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic compensation for such positions shall be fixed by the Secretary of Defense (or his designee for the purpose) in relation to the rates of basic compensation contained in the General Schedule of the Classification Act of 1949, as amended,¹ for positions subject to such Act which have corresponding levels of duties and responsibilities. Except as provided in subsections (f) and (g) of section 303 of the Federal Executive Salary Act of 1964,² no officer or employee of the National Security Agency shall be paid basic compensation at a rate in excess of the highest rate of basic compensation contained in such General Schedule. Not more than seventy such officers and employees shall be paid basic compensation at rates equal to rates of basic compensation contained in grades 16, 17, and 18 of such General Schedule.

SEC. 3. [Section 3 consisted of amendments to section 1581 (a) of title 10, United States Code.]

SEC. 4. The Secretary of Defense (or his designee for the purpose) is authorized to—

(1) establish in the National Security Agency (A) professional engineering positions primarily concerned with research and development and (B) professional positions in the physical and natural sciences, medicine, and cryptology; and

(2) fix the respective rates of pay of such positions at rates equal to rates of basic pay contained in grades 16, 17, and 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

Officers and employees appointed to positions established under this section shall be in addition to the number of officers and employees

¹ The Classification Act of 1949 was repealed by the law enacting title 5, United States Code, Public Law 80-554, Sept. 6, 1960, 50 Stat. 3751. The General Schedule for civilian employees is now set out in section 5332 of title 5.

² The Federal Executive Salary Act of 1964, enacting title 5,

Part K CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS

Sec. 292. (a) Whenever the President determines that it would be appropriate for the purpose of maintaining existing conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, he may, by Executive order, extend to current or former participants in the Central Intelligence Agency Retirement and Disability System, or to their survivors, a provision of law enacted after January 1, 1975, which:

- (1) amends subchapter III, chapter 83, title 5, United States Code, and is applicable to civil service employees generally, or
- (2) otherwise affects current or former participants in the Civil Service Retirement and Disability System, or their survivors.

Any such order shall extend such provision of law so that it applies in like manner with respect to such Central Intelligence Agency Retirement and Disability System participants, former participants, or survivors. Any such order shall have the force and effect of law and may be given retroactive effect to a date not earlier than the effective date of the corresponding provision of law applicable to employees under the Civil Service Retirement System.

(b) Any provisions of an Executive order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith:

- (1) all provisions of law enacted prior to the effective date of the provision of such Executive order; and
- (2) any prior provision of an Executive order issued under authority of this section.

Laws and Executive Orders Modifying the Central Intelligence Agency Retirement and Disability System

SECTION 214 OF PUBLIC LAW 94-522

(Act of October 17, 1976, 90 Stat. 2472, 50 U.S.C. 403 note)

SEC. 214. (a) An annuity payable from the Central Intelligence Agency Retirement and Disability Fund to an annuitant which is based on a separation occurring prior to October 20, 1969, is increased by \$240 per annum.

(b) In lieu of any increase based on an increase under subsection (a) of this section, an annuity payable from the Central Intelligence Agency Retirement and Disability Fund to the surviving spouse of an annuitant which is based on a separation occurring prior to October 20, 1969, shall be increased by \$132 per annum.

(c) The monthly rate of an annuity resulting from an increase under this section shall be considered as the monthly rate of annuity

payable under section 221(a) of the Central Intelligence Agency Retirement Act of 1961 for Certain Employees, as amended (78 Stat. 1043; 50 U.S.C. 403 note) for purposes of computing the minimum annuity under new section 221(1) of the Act, as added by section 201 of this Act.

EXECUTIVE ORDER NO. 11950. CONFORMING CENTRAL INTELLIGENCE AGENCY AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS RESPECTING COST OF LIVING ADJUSTMENTS

(January 8, 1977, 42 F.R. 1451, 50 U.S.C. 403 note)

By virtue of the authority vested in me by section 801(c) of the Department of Defense Appropriation Authorization Act, 1977 (90 Stat. 929, 16 U.S.C. 1101a note), section 202 of the Central Intelligence Agency Retirement Act of 1961 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Director of Central Intelligence shall:

(a) on January 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for December of the preceding year over the price index published for June of the preceding year; and

(b) on July 1 of each year, or within a reasonable time thereafter, determine the percent change in the price index published for June of such year over the price index published for December of the preceding year.

Sec. 2. If in any year the percent change determined under either section 1(a) or 1(b) indicates a rise in the price index then:

(a) effective March 1 of such year, in the case of an increase under section 1(a), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such March 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent; or

(b) effective September 1 of such year, in the case of an increase under section 1(b), each annuity payable from the Central Intelligence Agency Retirement and Disability Fund having a commencing date not later than such September 1 shall be increased by the percent change computed under such paragraph, adjusted to the nearest $\frac{1}{10}$ of 1 percent.

Sec. 3. The changes made by sections 1 and 2 of this order shall apply to any increase in annuities after October 1, 1976, except that with respect to the first date after October 1, 1976 on which the Director is to determine a percent change, such percent change shall be determined by computing the change in the price index published for the month immediately preceding such first date over the price index for the month immediately prior to October 1, 1976 for which the price index showed a percent rise forming the basis of a cost of living annuity increase under section 201(a) of the Central Intelligence Agency Retirement Act of 1961 for Certain Employees, as in effect immediately prior to October 1, 1976.

GERALD R. FORD.

EXECUTIVE ORDER NO. 12023. CONFORMING THE CENTRAL INTELLIGENCE AGENCY AND CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEMS

(December 1, 1977, 42 F.R. 61443, 50 U.S.C. 403 note)

By virtue of the authority vested in me by Section 202 of the Central Intelligence Agency Retirement Act of 1961 for Certain Employees (90 Stat. 2472; 50 U.S.C. 403 note), and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Director of Central Intelligence, hereafter referred to as the Director, shall maintain the Central Intelligence Agency Retirement and Disability System and the Central Intelligence Agency Retirement and Disability Fund, hereafter referred to as the Fund, in accordance with the following principles: